

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:08cr123

UNITED STATES OF AMERICA,)

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vs.

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JAMES JESSE CLAY.

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ORDER

THIS MATTER is before the Court on remand from the United States Fourth Circuit Court of Appeals [Doc. 33; Doc. 35] and the Defendant's Unopposed Motion to Expedite Resentencing [Doc. 34].

On December 8, 2010, the United States Fourth Circuit Court of Appeals vacated the Defendant's sentence and remanded the matter for a new resentencing hearing. United States v. Clay, 2010 WL 4970223 (4th Cir. 2010). On December 30, 2010, the mandate from the Fourth Circuit was received in this Court. [Doc. 35]. It is therefore necessary to have the Defendant transported back into the District for resentencing. At that hearing, he should be represented by Fredilyn Sison of the Federal Defenders of Western North Carolina, having been so represented previously.

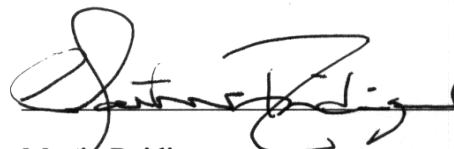
The Clerk of Court is instructed to communicate with the United States Marshal to ascertain the date on which resentencing may be set and to schedule the same.

IT IS, THEREFORE, ORDERED that the United States Marshal shall transport the Defendant to the Western District of North Carolina, Asheville Division for resentencing. Pending resentencing, the Defendant shall remain in custody.

IT IS FURTHER ORDERED that the Defendant shall be represented by Fredilyn Sison of the Federal Defenders of Western North Carolina.

IT IS FURTHER ORDERED that the Defendant's Unopposed Motion to Expedite Resentencing is hereby **DENIED** as moot. The Clerk of Court shall schedule the sentencing after consultation with the United States Marshal.

Signed: December 31, 2010


Martin Reidinger
United States District Judge

